

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLLIE GREENE, Individually as the
surviving parent of WYNDELL GREENE,
SR., WILLIAM GREENE, as the
Administrator of the Estate of WYNDELL
GREENE, SR., and MARILYN BURDETTE-
HARDEMAN, Individually and as the
surviving parent of LAKEYSHA GREENE,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC., TOYOTA MOTOR SALES USA, INC.
VOLVO GROUP NORTH AMERICA, INC.
VOLVO TRUCKS NORTH AMERICA, a
DIVISION OF VOLVO GROUP NORTH
AMERICAN, LLC, STRICK TRAILERS, LLC,
JOHN FAYARD MOVING & WAREHOUSE,
LLC and DOLPHIN LINE, INC.

Defendants.

CAUSE NUMBER 3:11-cv-0207-N

JURY TRIAL DEMANDED

**DEFENDANT STRICK TRAILERS, LLC'S SUPPLEMENTAL BRIEF IN OPPOSITION
TO PLAINTIFFS' MOTION IN LIMINE NO. 15**

On June 6, 2014, Toyota filed its responses and objections to Plaintiffs' Motion in Limine which included a response and objections to Plaintiffs' Motion in Limine No. 15 (Doc. 728, Page ID 32936-32938). Strick filed a Motion to Join in Toyota's Responses and Objections to Plaintiffs' Motion in Limine which incorporated Toyota's response and objections to Plaintiffs' Motion in Limine No. 15. (Doc. 772).

Here, Strick simply points out to the Court that Plaintiffs' Motion in Limine No. 15 raises

identical issues to those raised in Plaintiffs' Motion to Exclude the Report and Testimony of David Viano, as it relates to NASS-CDS data base studies. (Doc. 472). In its order of June 13, 2014, this Court denied Plaintiffs' Motion to Exclude the Report and Testimony of David Viano in its entirety. (Doc. 785). Accordingly, this Court has already ruled on Plaintiffs' motion to the extent it addresses Dr. Viano's NASS-CDS studies.

For the Court's reference, Strick's Brief in Opposition to Plaintiffs' Motion to Exclude the Report and Testimony of Dr. David Viano specifically addressed Plaintiffs' challenges to Dr. Viano's use of the NASS-CDS database. (Doc. 520, Page ID 25641-25643). Strick incorporates those arguments here as if set forth in full and requests the Court deny this motion as well.

Strick is confident a proper foundation can be laid for any evidence concerning data from field accident studies.

CONCLUSION

For all the foregoing reasons, Strick respectfully asks this Court to enter an order denying Plaintiffs' Motion in Limine No. 15.

Respectfully submitted,

DAWSON & CLARK, P.C.

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ATTORNEYS FOR DEFENDANT

STRICK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 20, 2014, a true and correct copy of the above and foregoing was forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure.

/s/ Donald H. Dawson, Jr.

DONALD H. DAWSON, JR.